

Message Text

CONFIDENTIAL

PAGE 01 USBERL 00774 221250Z

42

ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-02

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06

ACDA-05 SAB-01 SAJ-01 SAM-01 OMB-01 IO-10 /076 W

----- 118349

R 221210Z APR 75

FM USMISSION USBERLIN

TO AMEMBASSY BONN

INFO SECSTATE WASHDC 0795

AMEMBASSY BERLIN UNN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO

C O N F I D E N T I A L USBERLIN 774

E.O. 11652: GDS

TAGS: PGOV, PFOR, WB, UR, US, UK, FR, GW

SUBJECT: ANSWER TO SOVIET PROTEST ON S-BAHN SEARCHES

REF: A) USBERLIN 682; B) BONN 5948; C) BONN 06498

1. ALLIED MISSIONS HAVE AGREED AD REFERENDUM, TO HAVE
CHAIRMAN POLAD DELIVER FOLLOWING ORAL RESPONSE TO
SOVIET PROTEST ON BERLIN POLICE ACTIVITIES ON S-BAHN AND
REICHSBAHN PREMISES IN CONNECTION WITH THE SEARCH
FOR THE LORENZ KIDNAPPERS IN MARCH:

BEGIN TEXT:

1. I REFER TO THE STATEMENT MADE ON 7 APRIL
BY THE COUNSELLOR OF THE SOVIET EMBASSY TO THE CHAIRMAN
POLITICAL ADVISER CONCERNING THE CHECKS WHICH WERE CARRIED
OUT BY THE BERLIN POLICE ON S-BAHN AND REICHSBAHN PREMISES
IN THE WESTERN SECTORS OF BERLIN, FOLLOWING THE RELEASE
OF HERR LORENZ ON 5 MARCH. THE ACTION OF THE BERLIN
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USBERL 00774 221250Z

POLICE ON THESE PREMISES WHERE THE REICHSBAHN OPERATES

WITH THE PERMISSION OF THE ALLIED KOMMANDATURA WAS AUTHORISED BY THE ALLIED KOMMANDATURA UNDER ALLIED LEGISLATION IN THE EXERCISE OF THEIR RIGHTS AND RESPONSIBILITIES. IT WAS ALSO IN ACCORDANCE WITH LONG-STANDING GERMAN LEGISLATION DATING FROM 1928 CONCERNING THE OPERATION OF RAILWAYS.

2. AS A MATTER OF COURTESY AND BECAUSE THERE WAS A POSSIBILITY THAT SMALL DELAYS COULD RESULT IN THE OPERATION OF TRAINS IN THE SOVIET SECTOR, THE SOVIET EMBASSY WAS INFORMED BY THE CHAIRMAN LIAISON AND PROTOCOL OFFICER IN ADVANCE THAT THESE CHECKS ON THE S-BAHN AND THE REICHSBAHN WERE BEING INSTITUTED.

3. THE SEARCHES WERE CARRIED OUT WITH A VIEW TO FINDING THE TERRORISTS RESPONSIBLE FOR THE ABDUCTION OF THE CHAIRMAN OF THE BERLIN CDU, AN OBJECTIVE WITH WHICH THE ALLIES HOPE THAT THE SOVIET AUTHORITIES SYMPATHIZE. THE ALLIES WOULD LIKE TO BELIEVE THAT THE SOVIET AUTHORITIES IN THEIR SECTOR AND THE GDR AUTHORITIES IN THEIR OWN NATIONAL TERRITORY EACH TOOK THE NECESSARY MEASURES TO PREVENT THE TERRORISTS FROM REACHING THEIR COUNTRIES. AT THE SAME TIME THE REFERENCE TO MEASURES TAKEN BY THE GDR MADE BY THE REPRESENTATIVE OF THE SOVIET EMBASSY IS NOT FULLY UNDERSTOOD SINCE ONE CANNOT SEE HOW MEASURES WHICH THE GDR MIGHT HAVE TAKEN ON ITS TERRITORY WOULD HAVE DISPENSED WITH THE NEED FOR THE ALLIES TO TAKE THE NECESSARY MEASURES IN THE WESTERN SECTORS OF BERLIN.

END TEXT.

2. SINCE SOVIETS MADE THIS PROTEST STATEMENT IN BERLIN AT SAME TIME THEY WERE MAKING BROADER PROTESTS IN ALLIED CAPITALS, IT WOULD PROBABLY BE DESIRABLE TO HAVE POLAD RESPONSE MADE AT APPROXIMATELY SAME TIME AS RESPONSES IN CAPITALS. WE WOULD THEREFORE RECOMMEND HOLDING UP DELIVERY UNTIL AGREEMENT REACHED ON TEXT BEING DRAFTED IN BONN GROUP.

3. ABOVE DRAFTED PRIOR TO RECEIPT OF REF C. BRITISH AND FRENCH MISSIONS HAVE RECOMMENDED DELIVERY OF ABOVE RESPONSE.
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 USBERL 00774 221250Z

WE ALSO BELIEVE SOVIET PROTEST SHOULD BE ANSWERED MORE FORMALLY AND COMPLETELY THAN IT WAS BY CHAIRMAN POLAD APRIL 7. POLAD IN PARTICULAR DID NOT SEEK TO REBUT EXPLICITLY WHAT WE REGARD AS MOST OFFENSIVE PART OF SOVIET PROTEST, NAMELY ASSERTION THAT ALLIED POLICE ACTION ON TRAIN PREMISES IN WESTERN SECTORS WAS, WHETHER OR NOT LEGAL, NOT NECESSARY BECAUSE GDR HAD ALREADY TAKEN ALL NECESSARY MEASURES--BY CLEAR IMPLICATION IN WESTERN SECTORS.

WE ALSO DO NOT CONSIDER KHOTULEV'S FINAL COMMENTS TO MEAN THAT HE CONSIDERS BALL IS NOW IN SOVIET COURT. SOVIETS HAVE MADE A FORMAL STATEMENT ON WHICH THEY HAVE NOT YET RECEIVED CONSIDERED NON-PAPER WITH TEXT OF HIS STATEMENT. WE WOULD VIEW HIS COMMENT THAT SUBJECT WAS OMPlicated ONE INTO WHICH HE WOULD WISH TO LOOK FURTHER AS INDICATING (A) THAT HE WAS SURPRISED TO BE TOLD THAT THERE HAD BEEN PRIOR ALLIED NOTIFICATION TO THE SOVIETS OF THE SEARCHES IN QUESTION (ACTUALLY ONLY A TANGENTIAL POINT TO WHETHER POLICE HAD AUTHORITY TO ACT AS THEY DID) AND (B) THAT HE INTENDED TO ACQUAINT HIMSELF IN MORE DETAIL WITH COMPLEX OF REICHSBAHN QUESTIONS.

4. WHILE THERE HAVE BEEN OCCASIONS WHEN IT HAS BEEN APPROPRIATE TO REST WITH ON-THE-SPOT REBUTTAL OF SOVIET COMPLAINTS, THESE HAVE GENERALLY CONCERNED ONE-TIME EVENTS OR MATTERS WHERE WE SAW NO RISK IN LEAVING STATEMENTS WITHOUT FURTHER DIVERGENT VIEWS ON S-BAHN, ON OTHER HAD, HAVE LONG HISTORY MARKED BY BALANCING STATEMENTS AND COUNTER-STATEMENTS BY ALL PARTIES, AND WE BELIEVE IT GOOD INSURANCE TO REPLY IN SAME CHANNEL WITH SAME DEGREE OF FORMALITY, I.E., LEAVING BEHIND NON-PAPER.GEORGE

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLICE INVESTIGATIONS, DIPLOMATIC PROTESTS
Control Number: n/a
Copy: SINGLE
Draft Date: 22 APR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: buchandr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975USBERL00774
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750141-0006
From: USBERLIN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750426/aaaaayww.tel
Line Count: 137
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 USBERLIN 682, 75 BONN 5948, 75 BONN 06498
Review Action: RELEASED, APPROVED
Review Authority: buchandr
Review Comment: n/a
Review Content Flags:
Review Date: 21 MAY 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <21 MAY 2003 by BoyleJA>; APPROVED <06 OCT 2003 by buchandr>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ANSWER TO SOVIET PROTEST ON S-BAHN SEARCHES
TAGS: PGOV, PFOR, WB, UR, US, UK, FR, GE
To: BONN
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006